



Department of Planning and Community Development

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Joseph C. Sullivan
Mayor

APPROVED

PLANNING BOARD

Robert Harnais, Chair
Joseph Reynolds, Vice Chair
James Eng, Clerk
Darryl Mikami, Member
Michelle Lauria, Member

Braintree Planning Board
October 11, 2011
Town Hall

Present:

Mr. Robert Harnais, Chair
Mr. Joseph Reynolds, Vice Chair
Mr. James Eng, Clerk
Ms. Michelle Lauria, Member

Melissa Santucci Rozzi, Principal Planner

The Chair called the meeting to order at 7:00 P.M. and called the roll: Mr. Harnais, Mr. Reynolds, Mr. Eng, and Ms. Lauria all present.

Please note: Member Mikami absent.

New Business/Old Business

Zoning Board of Appeals – October

#11-45

239 Hancock Street

Ms. Santucci Rozzi addressed the Planning Board and informed them that Petition #11-45, 239 Hancock Street, John Mento of Mento Enterprises, applicant, is going to be tabled for this meeting. She stated that both she and the Conservation Agent would be working with the applicant. Ms. Santucci Rozzi also stated that the above mentioned property is located entirely in the flood plain district, so the proposal may change. Therefore the applicant has decided to have some engineering work done before going forward with any type of variance petitions.

#11-43

464 Quincy Avenue

Attorney Frank Marinelli, 439 Washington Street, Braintree, MA 02184 was present to represent the applicant, Michael J. Gardner of Castle Storage, located at 464 Quincy

Avenue, and addressed the Planning Board. Atty. Marinelli had visual depictions of the proposed project.

At this time Mr. Harnais explained that the Planning Board is for recommendation purposes only in this process and does not have final say.

Atty. Marinelli explained the project as being a proposed addition to the existing structure located at 464 Quincy Avenue. He explained that Mr. Gardner is the founder of Castle Storage with locations in Braintree, Weymouth and Boston. The Planning Board was told that Mr. Gardner is a long time Braintree businessman and is past president of the Massachusetts Self-Storage Association. Atty. Marinelli stated that both Mr. Gardner and Scott McDonald, General Manager of Castle Storage were present.

Atty. Marinelli said that he would explain the zoning aspects of the project and that Mr. Gardner and Mr. McDonald would be happy to answer any questions that the Planning Board may have. The Planning Board was told that the location of Castle Storage at 464 Quincy Avenue is the site of the former Ashmont Discount Store and had been purchased in 2005. It is located in the Highway Business district. In 2005 the Planning Board granted a Special Permit to allow Mr. Gardner to convert the former Ashmont building into Castle Storage, therefore establishing the self-storage use at the site. The Zoning Board also granted approval in 2005. The site is about 1 ½ acres. Atty. Marinelli explained the project as depicted on the visual plan. The existing building has a footprint of approximately 25,159 square feet. The proposal is to build an addition that would extend the existing footprint by about 27%. The addition will have a footprint of 6,848 square feet and would be added to the northerly side of the existing facility. The existing building has 554 storage units and the proposed addition will contain an additional 163 storage units. It was explained that the allowed height in the Highway Business district is 45 feet or 4 stories. The existing building is about 27 feet high (2 to 3 stories) and the proposal is to remain consistent with the current height.

It was noted by Atty. Marinelli that they will appear before the Planning Board again to amend the Special Permit that was granted in 2005 but the purpose of the appearance tonight is to seek a recommendation for the Zoning Board for their scheduled hearing of October 25th.

Atty. Marinelli told the Planning Board that in 2005 rather than demolishing the Ashmont building the applicant renovated the location for use as Castle Storage. The Ashmont building was a non-conforming building. The use of the non-conforming building allows for expansion only in the northerly direction. The existing building does constitute a hardship unique to the site and justifies the dimensional relief being requested of the Zoning Board. The irregular shape of the lot also presents a hardship in regards to the setbacks. It was noted by Atty. Marinelli that the site is almost 3 times larger than the minimum required in the Highway Business district, but has a pre-existing, non-conforming frontage which contributes to the hardship. The building also has non-conforming side and rear yard setbacks. He also stated that although they could increase the number of units by going higher they want to keep the existing height.

Atty. Marinelli then discussed parking stating that it is generally examined by the Planning Board. He informed them that self-storage usage has very little impact on parking and traffic as compared to other allowed uses in the Highway Business district such as restaurants, retail or office buildings. In 2005 the Planning Board approved 554 units with 25 parking spaces (with 10 spaces in reserve). At any given time less than 5 of the spaces are used. In 2011 they are requesting 163 additional units with 30 spaces (again with additional spaces in reserve). The majority of the parking area is unused at any given time. Scott McDonald the General Manager compiled a 3 month photo book with dates and times which shows the unused spaces. Atty. Marinelli explained that customers do not visit units often. He presented the Planning Board with the book for them to review.

It was also noted that when they submit for the amendment to the Special Permit they will submit a traffic study and a parking study that will show the negligible impact. Atty. Marinelli said that the facility had been operating under self-storage usage for the past five years with little impact to traffic. The hours of operation will remain the same.

Atty. Marinelli concluded by saying the Planning Board Staff Report states an appropriate conclusion and read from the Staff Report:

The Planning Staff analyzed the existing building and site and has identified a hardship related to the structure. The existing building was built nearly on the side and rear lot lines. The hardship is related to expanding this building due to its current location and to further complicate the site is the shape of the lot. The "pork chop" shaped lot makes it nearly impossible to construct an addition that conforms to the setback requirements, without utilizing the entire parking field. The shape of the lot also requires the Applicant to construct two separate parking areas which results in additional pavement to access the second parking area. This increases the lot coverage and reduces the open space.

Atty. Marinelli finished by stating that the Planning Staff finds that the relief requested can be granted without detriment to the public good. He also noted that even with the addition the lot coverage will be less than when Castle Storage had obtained the original existing structure in 2005.

It was explained that Mr. Gardner has spoken to the businesses located to the south, the north and the west (Quirk Auto Dealership and Twin City Upholstering) with none having an objection with the proposed addition. It will not be detrimental to the neighborhood. Atty. Marinelli stated that Castle Storage is an appropriate commercial use for the area and will have negligible impact on the Quincy Avenue commercial corridor.

Ms. Lauria had no questions at this time.

Mr. Eng questioned the number of trees that would be cut down with the proposed addition. Atty. Marinelli replied that he believes that the addition will be going in the parking area, but that is not to say that there may be some brush or vegetation that would be affected. Mr. Eng explained that the reason why he was asking was if there was any residential property in the immediate area. Atty. Marinelli replied no, Twin City Upholstery is to the north, Quirk Auto Dealership is to the west and to the south and the restaurant is to the east. Mr. Eng mentioned that he sees trees in the elevation used in the visual presentation and he wanted to see if they could minimize the impact. Atty. Marinelli explained that the addition would be coming off at an angle into the parking lot. Mr. Gardner said that he believes that they will not be cutting any trees down. Ms. Santucci Rozzi mentioned that there is an aerial photo provided for the Planning Board and pointed out the edge of the pavement is pretty much the building. She went on to say that while there is some vegetation visible along the rear property line the building is going to be going on an area that is currently paved. Mr. Gardner also said that where they are putting the proposed addition is asphalt.

Mr. Reynolds stated that he was aware that the "pork chop" shape of the lot did represent hardship as far as the required setbacks and that he did not have any issues per say with the location of the proposed structure. Mr. Reynolds asked for clarification in reference to the second parking area. Atty. Marinelli pointed out the location of the second parking area and explained that it already exists. He also explained that as the Planning Staff stated there has to be additional pavement to drive to the second area and that also is existing. It was also noted that the area to be considered as the second parking area is located to the north. Mr. Reynolds asked for the location of the loading area to be pointed out and questioned if this would be changed or maintained. Atty. Marinelli answered that it would be in the same general location. It was also confirmed that this is the north side of the building.

Mr. Reynolds said that for future reference, he knew that it had been pointed out that the height of the building would be within the requirement for that zoning district, and that it is the understanding that if in the future, be it this owner or another owner if they wanted to increase the height of the building that would be subject to a hearing. Atty. Marinelli confirmed that to be the case.

Mr. Reynolds stated that he had no further questions as to the layout and what is being proposed. His only other comment would be were there any other comments from the neighbors in the general area. Atty. Marinelli replied that there had been nothing that they have heard, and that it has been a great operation for five years. Mr. Gardner noted that he had met with Twin City and Mr. Quirk and there were no issues.

Mr. Harnais questioned the existence of the restaurant that abuts the property and would this affect the parking at all. Mr. Gardner replied that since the old owners of Giomatti's had left the subsequent establishments had not done much business.

Motion by Mr. Reynolds, second by Mr. Eng to recommend approval of the requested relief.

Vote: 4/0

#11-42
34 Fairmount Avenue

The applicant, Ms. Samar Richa, of 34 Fairmount Avenue, Braintree, MA 02184 was present and addressed the Planning Board.

Ms. Richa explained that she was seeking permission to extend the existing second floor over the entry way to allow for expansion of an existing bathroom. She had pictures which she presented to the Planning Board for review.

Ms. Lauria had no questions at this time.

Mr. Eng asked for further explanation of the Planning Staff Report. Ms. Santucci Rozzi explained the proposal is to take a one story entryway and make it two stories. She informed the Planning Board that she had conducted a site visit and that most of the homes in the neighborhood have a one story entry. In addition, the front yard setback is non-conforming being approximately 8 feet from the street where 20 feet are required. Mr. Eng wanted to know if she felt this would be more detrimental to the neighborhood.

She explained that the Planning Staff's opinion is that what is being proposed is not consistent with the rest of the neighborhood. There are various styles of homes in the neighborhood and some of them are at varying elevations. The common element in the neighborhood is the one story entryway that projects off the main dwelling. Some of the houses look like they have some sort of additions and are somewhat undesirable visually.

Mr. Eng asked Ms. Richa if she wanted to add an entire second floor. She replied that she did not she just wanted to expand the small existing bathroom. Mr. Eng asked for clarification that she was trying to make the bathroom larger. It was explained that the existing bathroom is quite small and that a larger one was needed to accommodate her family. Mr. Eng had no further questions.

Mr. Reynolds started by stating that he commended the Planning Staff on the Planning Staff Report and respects their opinions. However, after examining the supplied pictures and information he does feel that there is the opportunity to go up on this where the footprint of the building is not being increased. Mr. Reynolds said that in his opinion if the neighborhood was more consistent in architectural styles he would be more likely to lean towards not supporting the request. He has no real issue with the request. He did not have any questions.

Mr. Harnais had no issues with the request.

Motion by Mr. Reynolds, second by Ms. Lauria to recommend approval of the request.
Vote: 4/0

#11-44
26 Windemere Circle

The applicants, Mr. Scott Warner and Ms. Brenda Campbell, of 26 Windemere Circle, Braintree, MA 02184 were present and addressed the Planning Board.

Mr. Warner explained to the Planning Board that they were there to present a request to be allowed to add a second story over their existing garage. This second story is to accommodate a family room above the garage. The non-conformity of the existing garage in relation to the side setback was mentioned. It was also explained that they will not be extending the existing footprint. There will be no change to the existing garage other than the addition of the second story. Ms. Campbell stated that the addition is consistent with other additions in the neighborhood.

Ms. Lauria had no questions at this time.

Mr. Eng commented that he thought that the proposed addition looked nice and that he was ok with the proposal.

Mr. Reynolds had no questions at this time.

Mr. Harnais had no questions at this time.

Motion by Mr. Eng, second by Ms. Lauria to recommend approval of the request.
Vote: 4/0

Request for As-Built Approval – Priscilla Avenue Definitive Subdivision [99-12]
Requested by Kevin Kane of Aspinwall Corporation

Ms. Santucci Rozzi addressed the Planning Board. She stated that she had been working with Kevin Kane for the past year or so and they have reached a point where Mr. Kane has completed some field work which includes raising the grade at the end of the road to make it match the grades shown on the definitive plan. She went on to say that she had done a site visit in the rain and witnessed the conditions and she had been happy with them. The water was flowing in the correct direction and the water was not ponding at the end of the subdivision roadway. Ms. Santucci Rozzi went on to say that she had done

a complete review of the conditions and Mr. Kane has submitted everything except for one item. Mr. Kane is here this evening to speak to this issue. The Planning Staff position is that this item is to be completed and submitted which will allow the Planning Staff to finalize documentation for As-Built approval, for the Planning Board to act on, which will then allow movement forward toward the street acceptance process with the Town Council. Ms. Santucci Rozzi stated that she had provided the Planning Board with the e-mail correspondence between Mr. Kane and herself and the submission of the final documentation highlighting Condition #10 which is the last condition on which they are somewhat in disagreement on.

Mr. Kevin Kane, of Aspinwall Corporation, 25 Adams Street, Braintree, MA 02184 was present and addressed the Planning Board. Mr. Kane submitted to the Planning Board a letter prepared by his engineer, Mr. Charles T. Woodward, of Professional Land Survey Associates, 25R Central Street, East Bridgewater, MA 02333-1926, explaining that he had been doing the engineering work on the site.

Mr. Kane discussed Condition #10 which pertains to the easements and requires that they submit and record a copy of the recording of the easements prior to the start of the project. He stated that he believes that this was done 12 years ago with the recorded plan of the subdivision, which shows the easements for the turn arounds. He has been asked to supply a document which states the use of the easements. Mr. Kane said that these had been recorded with the registry and were on the original As-Built plans which had been submitted to the town, as well as the As-Built plot plans that were a matter of record for both the homeowners and the town. Mr. Kane told the Planning Board that he would like to see this matter move on and brought up that now there had been different home owners on the lots. He also mentioned Mrs. Carol Watts who was present and waiting to get her bond returned that is being held pending acceptance of the road.

Ms. Lauria asked for confirmation that the original plan had been recorded at the registry of deeds, and that this plan had the easements indicated. She wanted to know when the individual plots of property had been deeded out had the plan been referenced in regards to the easements on those deeds. She is curious to see if there is a reference to the easements on the deeds. Mr. Kane made reference to the road being private property and that he was not sure if this came under Planning Board jurisdiction. Ms. Santucci Rozzi addressed the Planning Board stating that Mr. Kane is being 100% upfront explaining that the easements are shown. However, all that is said is "access easements" and it should be clarified for whom, for what, for when, for where and for how. She stated that her concern is that there is no document or instrument relating to this easement describing who has rights to this easement and exactly what it is for. Access can mean access to anybody. The reality is that this road was built with out a cul-de-sac or turnarounds. It is Ms. Santucci Rozzi's belief is that these access easements were put in place to meet the turn around requirement, mentioning other subdivisions that had been done since this one

where this had been done. She stated that showing something on a plan and just labeling it easement is not completing the easement process. She went on to say that anything can be labeled on a plan, but it needs to be tied in to some instrument or document that actually describes what can be done and who has what rights to that particular easement. The fact that this document does not exist is the Planning Staff's concern. It is the Planning Staff's opinion that is an important document especially since this road with out these easements does not have the required turn around.

Ms. Lauria questioned if anyone has ever questioned the easements, stating that if she saw a title report that stated easement with no explanation as to who has rights to it she is shocked that no one has ever questioned this. Mr. Kane replied that he believes that the deed will refer to the original land court land subdivision. Ms. Lauria stated that she was very familiar with the process but she is just saying that she is shocked that this has not come up. She also stated that she understands Ms. Santucci Rozzi's concerns with this issue. Ms. Lauria had no further questions at this time.

Mr. Eng expressed that he also had the same concerns. He wants it to be totally clear to everyone on the street so that they know who has the right to what and he is not sure if this is clear enough at this point. He questioned if this is a document or something that a surveyor can go out and research. Ms. Santucci Rozzi replied that some one just needs to draw up the actual language and the description of the easements is easily attainable from the definitive plan as well as the as-built plan with the language being very simple. It is Ms. Santucci Rozzi's feeling that this should not be difficult and in order for this to go through to the acceptance stage this really needs to be in place. She stated that it is the Planning Staff's opinion that this should not get a favorable recommendation to move forward without this documentation.

Mr. Eng asked Ms. Santucci Rozzi if there was someone that she could recommend to Mr. Kane to get this language in place so that they can move forward. Mr. Kane said that he felt that what had been submitted at the start of the project was satisfactory to the Planning Board, stating that now in 2011 he is being asked to provide documentation when it was satisfied in 2000. Mr. Eng addressed Mr. Kane saying that the Planning Board then could have missed something and now they just want to make it right today. That is why he is trying to figure out what they can do to make it right and to see if there is someone that can help him get over this. Mr. Eng again asked if there were someone in town that could assist Mr. Kane in getting this done. Mr. Kane responded by saying that he is okay with moving forward but he would like to speak with his lawyer first.

Mr. Reynolds wanted clarification to what he sees as no clear description of the easements. Mr. Kane said that is not correct and that there is a plan that shows the easements. Mr. Reynolds then asked if the easements clearly spell out what was being discussed this evening. Mr. Kane replied that it is not spelled out that the easements are for turnaround use. Mr. Reynolds stated that it was his understanding that in the original conditions in lieu of turnarounds these easements would be granted. Mr. Kane agreed.

Mr. Reynolds said that he knows that Mr. Kane is aware of the homeowners' concerns regarding moving forward on this situation and there are some open issues that they could be facing. He feels that there is an opportunity here that something unforeseen could come up in the future, i.e. if they tried to sell their house. Mr. Reynolds went on to say that the Planning Board wants to be sure that the needs of residents are met. Based on this, he does not feel he is in a position to vote for as built approval at this time without the easements being clearly defined. If Mr. Kane has documentation regarding the easements he would then be satisfied.

Mr. Harnais had no questions at this time.

Motion by Mr. Eng, second by Mr. Reynolds to hold off on acceptance until required information to close out Condition #10 is received.

Vote: 4/0

Note: It was noted by Ms. Santucci Rozzi that this matter would be on the agenda for the Planning Board meeting scheduled for November 7, 2011.

Request for As-Built Approval – Grove Heights Definitive Subdivision [06-15]
Requested by George Lang, Manager – Grove Street Braintree LLC

Ms. Santucci Rozzi addressed the Planning Board stating that the Planning Board had previously voted this conditional on Mr. Lang submitting the drainage bond. He has not yet submitted the drainage bond which he is unable to get and therefore he is going to post cash.

Note: At this time Mr. Harnais acknowledged Ms. Carol Watts a previous property owner on Priscilla Avenue and asked her if she had any questions

Ms. Watts addressed the Planning Board. She expressed concern over the correct wording of the documentation asking what would happen if banks should question it. She informed the Planning Board that she no longer owns the property but the banks are holding cash that she posted.

Mr. Harnais stated that he does not know if this would impact the bank's interest. Ms. Santucci Rozzi addressed the Planning Board stating that the easements had always been shown on the plots explaining that a portion of the access is on the individual plots. Ms. Watts said that it involves the driveways explaining a medical situation that had occurred in the past and the difficulty that the emergency vehicles had on the street due to the lack of turn around space. Again, Mr. Harnais stated that he does not know how this would affect the banks. Ms. Watts said that it became an issue when they went to sell the house

and that is why she is here because the banks made her put money aside. Mr. Harnais wanted to know if the banks were requiring the easements. He also stated that the banks cannot require this to be a public road. Ms. Santucci Rozzi clarified that there have been other instances in town where lots have been deeded out with similar situations however, the easements have all been recorded. Again Mr. Harnais said that he can not see how the bank can dictate. Ms. Santucci Rozzi explained that they were required to post money because it is a private way and to get to the road accepted as a public way these are the steps. It may also depend on who ever is doing the examination of the title. Mr. Harnais concluded by saying that he still does not see how this would affect the banks, explaining that there was no change being done to the size of the existing lots, it was just the defining of the easements so that the value of the properties remains the same.

Extension of Time to Complete Work – 75 Granite Street [10-08]
Requested by Attorney Frank Marinelli on behalf of the Chambers Companies

Attorney Frank Marinelli of 439 Washington Street, Braintree, MA 02184 was present to represent the applicant, Herb Chambers Companies.

Attorney Marinelli explained that there was currently work going on at the site and that there had originally been an early 2011 permit granted by the Planning Board to allow what was proposed as a box culvert in 2001 to be replaced with (2) two - 24 inch pipes that were to be installed along with (2) two leeching chambers. There had been an extension through July 31 to do the work and as the Planning Board knows this is a multi permit scope of work that had to go through both Conservation and Planning and there had to be a permit issued by DOT (formerly Mass Highway). There were issues with the contractor including levels of the water table which resulted in the work with the contractor not being completed by July 31. Due to this, Atty. Marinelli sent a letter to DOT on July 25 requesting an extension to September 30th. They received a response from DOT on September 15th, so there was little time left resulting in them asking for an additional extension to October 31st. DOT did give them the extension through October 31st. The Planning Board had already granted the extension through September 30th and they would like to get the dates to match up and they ask that the Planning Board extension be granted till October 31st as well.

Attorney Marinelli informed the Planning Board that prior to tonight's meeting he had spoken with the Engineer, David Mackwell of Kelly Engineering, and was told that two manholes toward the upper portion had been completed and the leeching chambers are all in.

Ms. Lauria had no questions at this time.

Mr. Eng questioned if Atty. Marinelli was very confident that the project will be completed by October 31st. Atty. Marinelli replied that he is not an engineer but he is the one that has had to ask for the extensions. He did state that the progress on the project to date is substantial. Mr. Eng stressed that if this extension is approved he does not want to see them come back for another extension in the future. Atty. Marinelli replied that he did not intend to. However, Mr. Eng pointed out that today is October 11 and that only gives them 20 days. Atty. Marinelli again stated that he is not the contractor and stressed that to date the work is progressing. He asked the Planning Board to keep in mind that they had asked for the extension on July 25th submitting all the documentation to the DOT and did not hear back until September 15th.

Mr. Eng continued by asking if the contractor was currently working at the site. Atty. Marinelli replied that upon receipt of the letter, in the absence of Ms. Santucci Rozzi, Ms. Phelan was contacted and she came out to the site on the next day (September 16th). All of the contractor's representatives were on site with the engineers and Kelly Engineering is monitoring the progress. Mr. Eng stated that he was hoping that Atty. Marinelli would tell the board that he is confident that the project will be completed on October 31st. Atty. Marinelli stated that while he is not in charge on site he is confident that they are working towards completion. He explained that the leeching chambers have been installed and that is a large part of the work involving excavation and installation. Ms. Santucci Rozzi also confirmed that they were progressing. Mr. Eng asked that they will relay all pertinent information to Ms. Santucci Rozzi. Atty. Marinelli stressed that all involved were aware of the October 31st date and that they are nearing completion. Atty. Marinelli wanted to add that in fairness to the client he does not want there to be an image of non-cooperation conveyed. They had two pipes that had worked fine during previous heavy rainfalls, but in spite of that they have spent this money and are moving forward with the project. Atty. Marinelli feels that there is a legitimate question as to whether this project will really result in an improvement over what had been previously installed. The owners did the work in good faith, got the necessary permits to do what had been requested of them and now they are closing in on completion.

Mr. Reynolds had no questions at this time.

Mr. Harnais had no questions at this time.

Motion by Mr. Eng, second by Ms. Lauria to extend time for completion until October 31, 2001.

Vote: 4/0

Approval Not Required Plan – 62 and 70 Robbie Road
Kevin G. Wiles Applicant

Ms. Santucci Rozzi informed the Planning Board that this item has been continued until the November 7, 2011 meeting.

Traffic Monitoring Update – 250 Granite Street [#08-03]
South Shore Plaza/Simon Properties

Ms. Santucci Rozzi addressed the Planning Board and told them that she had prepared a Staff Report for them presenting the findings as a result of the (6) six month monitoring that was conducted (6) six months post occupancy of the opening of the Target store at the South Shore Plaza. She pointed out that as noted in the Staff Report the figures are all 2% to 73% less than what was projected in the Traffic Report. The applicant has also asked that the 12-month monitoring and the 24-month monitoring be omitted at this time. The Planning Staff has discussed with them that the 12-month monitoring is something that can be waived. However, the 24-month will have a 100 percent picture of the expansion (including Dave & Buster's and the Nordstrom's wing) with everything being open and will provide a glimpse of the fully occupied mall. So the Planning Staff recommendation is to accept the report and to allow the 12-month monitoring to be omitted.

Ms. Lauria had no questions at this time.

Mr. Eng stated that Dave & Buster's is going to open within that 24-month period and because of that he disagrees with the Planning Staff's recommendation and does not want the 12-month monitoring omitted, so that there will be a clear indication of what is happening.

Mr. Reynolds asked for clarification of the date of the monitoring report. Ms. Santucci Rozzi replied that it was her belief that the counts were done in April. This would make the 12-month monitoring occurring next month based on the opening of the Target store which would not give any figures for Dave & Buster's. It was also noted that traffic monitoring should not be done in November or December as that includes Holiday traffic. Ms. Santucci Rozzi stated that the spring and fall are generally the best times to monitor.

Mr. Eng expressed that it was his belief that as the counts had been done in April that the 12-month counts would be done this coming April. Ms. Santucci Rozzi explained that the counts are done at 6-months out, 12-months out and 24-months out, not 6 plus 12 plus 24, meaning that the 24-month monitoring will be next fall. She also stated that to change the monitoring would mean changing the conditions.

Mr. Harnais stated that he felt it was best to keep the 24-month monitoring and omit the 12-month monitoring.

Mr. Reynolds asked for clarification that the 24-month monitoring would occur in October or November of 2012. That was confirmed by Ms. Santucci Rozzi. Due to this, he agrees with the Planning Staff's recommendation after clarification of the dates.

Motion by Mr. Reynolds, second by Mr. Eng to omit the 12-month report and keep the 24-month report.

Vote: 4/0

Development Update – Jonathans Landing [04-09]
Pulte Homes

Ms. Santucci Rozzi stated that she had presented to the Planning Board the report prepared by Mark Mastroianni, the project manager from Pulte Homes. She said that to the best of her knowledge, other than some dust activity there had been no major concerns related to the project and that all the off site mitigation had been completed. She went on to say that the first building had been sold, the second building is half sold and the third building is now under construction. She has told Mr. Mastroianni that if the Planning Board had any additional questions that would be a follow up item for the November agenda.

Ms. Lauria had no questions at this time.

Mr. Eng questioned if the prices of the units were dropping and if that is why they were selling. Ms. Santucci Rozzi replied that she did not believe so. She explained that because there are so many different styles of units that the prices vary. In addition, the various locations of the units can cause the prices to fluctuate. To her knowledge they have not lowered the prices at all. They are trying to hold the prices in order to maintain the value.

Mr. Eng asked if there had been any complaints. Ms. Santucci Rozzi replied that she had not heard anything in particular about the craftsmanship of the units. The site work looks satisfactory. She has found the group to be very responsive in regards to communication and it seems to be working to her satisfaction. Mr. Eng wanted to know if the Building Department has been signing off. Ms. Santucci Rozzi said that for the individual certificates of occupancy they had.

Mr. Reynolds said that he did not have any questions but that he did want to point out the good work that had been done so far, including beautification of the park, maintaining the emergency access as well as the cooperation with the neighbors. He feels that it should be noted that this has been a job well done.

Mr. Harnais wanted to know if there had been anything going on with labor issues. Ms. Santucci Rozzi replied that she did not have any information on that saying that she was not involved with that aspect of the project.

Page 14
Planning Board Minutes
October 11, 2011

Motion by Mr. Eng, second by Ms. Lauria to adjourn at 8:10 P.M.

Respectfully submitted,

Beth A. Herlihy